IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 15127 of 1994

Between:

1 K.P. Damodar Chetty rep. by GPA holder KS Prakash, S/o Balakrishna Chetty R/o Bhadrachalam, Khammam Dist.
2 K. Balakrishna Chetty rep. by GPA holder KS Prakash, S/o Balakrishna Chetty R/o Bhadrachalam, Khammam Dist.
3 K. Nagamma rep. by GPA holder KS Prakash, S/o Balakrishna Chetty R/o Bhadrachalam, Khammam Dist.
4 K. Bhanumathi rep. by GPA holder KS Prakash, S/o Balakrishna Chetty R/o Bhadrachalam, Khammam Dist.
5 K.L. Kanchana rep. by GPA holder KS Prakash, S/o Balakrishna Chetty R/o Bhadrachalam, Khammam Dist.

..... PETITIONER(S)

AND

1 P. Sreenivasa Murthy (dismissed)
R/o Bhadrachalam. Khammam Dist.
2 The Authority U/s 48 of the Shop & Establishments Act, 1988 The Asst. Commissioner of Labour
Khammam

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue writ or direction, preferably a writ of mandamus declaring the order of the 2nd respondent issued vide case No.SC 3/92 dt: 7-3-94 as illegal, arbitrary and against the principles of natural justice and pass such other and further orders as this Hon'bel Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.K.VINAYA KUMAR

Counsel for the Respondent No.2: G.P. for Labour

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 9696 of 1994

Between:

1 K.P. Damodar Chetty rep. by GPA holder KS Prakash, S/o Balakrishna Chetty R/o Bhadrachalam, Khammam Dist.
2 K. Balakrishna Chetty rep. by GPA holder KS Prakash, S/o Balakrishna Chetty R/o Bhadrachalam, Khammam Dist.
3 K. Nagamma rep. by GPA holder KS Prakash, S/o Balakrishna Chetty R/o Bhadrachalam, Khammam Dist.
4 K. Bhanumathi rep. by GPA holder KS Prakash, S/o Balakrishna Chetty R/o Bhadrachalam, Khammam Dist.
5 K.L. Kanchana rep. by GPA holder KS Prakash, S/o Balakrishna Chetty R/o Bhadrachalam, Khammam Dist.

..... PETITIONER(S)

AND

1. Smt K. Annapurna W/o late Lazer,

R/o Bhadrachalam. Khammam Dist.
2 The Authority U/s 48 of the Shop & Establishments Act, 1988 The Asst. Commissioner of Labour
Khammam

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue writ or direction, preferably a writ of mandamus declaring the order of the 2nd respondent issued vide case No.SC 2/92 dt: 4-3-94 as illegal, arbitrary and against the principles of natural justice and pass such other and further orders as this Hon’bel Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.K.VINAYA KUMAR

Counsel for the Respondent No.:

The Court Made the Following :

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ORDER:

These two Writ Petitions are filed challenging the order passed by the authority under Section 48 of the A.P Shops and Establishments Act 1988 and Assistant Commissioner of Labour, Khammam, in file No. 264/92 dated 19.1.1993. An ex-parte order was passed against the petitioners on 5.5.1992 thereafter; an application was filed to set aside the ex-parte order on 17.1.1994. When the matter was posted on 4.3.1994, the petitioners were not present. Therefore, the matter was again dismissed. The said order is assailed before this court.

The learned counsel for the petitioners submits that the order of the authority under Section 48 of the Shops and Establishments Act, 1988 is illegal and contrary to law and no proper opportunity was given to the petitioners and therefore, the authority is directed to re-open the case and re-hear the matter.

I am afraid, I cannot accept this contention. Even after the application to set aside the ex-parte order was passed and when a date was fixed on 4.3.1994 even on that day also the petitioners were not present. Therefore, I do not find any illegality in the order passed by the authority under law.

Accordingly, these two Writ Petitions are dismissed. No costs.

15.07.2004.

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ASSISTANT REGISTRAR

// TRUE COPY//

SECTION OFFICER

To

1. The Authority U/s 48 of the Shop & Establishments Act, 1988 The Asst. Commissioner of Labour
Khammam

2. 2 CCs to G.P for Labour, High Court Buildings, High Court of A.P., Hyderabad

3. 2 CD Copies.